

condemnation of 25 cases, 77 cases, and 17 cases of stringless beans, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about November 9, 1921, by the Monumental Canning Co., Baltimore, Md., and transported from the State of Maryland into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monument Square Brand Cut Stringless Beans Packed by Monumental Canning Co. Inc. Baltimore, Maryland."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On June 12, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10798. Adulteration and misbranding of canned beans. U. S. v. 33 Cases of Cut White Waxed Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16308. S. No. E-3812.)

On May 12, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 33 cases of cut white waxed beans, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 15, 1921, by the Monumental Canning Co., Inc., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Bond Brand Cut White Wax Beans Packed by Monumental Canning Co., Inc. Baltimore, Md. Contents 1 pound 3 ounces."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Cut White Wax Beans Contents 1 pound 3 ounces," together with design of string beans, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On August 4, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10799. Adulteration and misbranding of clams. U. S. v. 25 Cases of Clams. Decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 16350. I. S. No. 6782-t. S. No. E-3884.)

On May 27, 1922, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of clams, at Manchester, N. H., alleging that the article had been shipped on or about April 23, 1922, by H. S. Kane, Brooklin, Me., and transported from the State of Maine into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pleasant River Brand Maine Clams Packed by H. S. Kane, Brooklin and Addison, Maine, Contains 5 Ozs. of Clams * * *

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in whole or in part for clams.

Misbranding was alleged for the reason that the label on the cases containing the statement, "Maine Clams, 5 Ozs. of Clams (design showing clams in shell)," was false and misleading and deceived and misled purchasers thereof. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1922, the case having come on for disposition, and H. S. Kane, claimant, having filed bond in the sum of \$250, in conformity with section 10 of the act, it was ordered by the court that the product be released to said claimant, upon payment of the costs of the proceedings and upon condition that the

elams be marked and branded so as to show compliance with the provisions of the Food and Drugs Act, if again offered for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10800. Adulteration of tomato catsup. U. S. v. 7½ Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 14777. I. S. No. 6601-t. S. No. E-3313.)

On April 12, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7½ cases of tomato catsup, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped on or about December 2, 1920, by the Ellis Canning Co., Angola, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Success Tomato Catsup Packed by The Ellis Canning Co. Angola, N. Y. Superior Quality."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid vegetable substance.

On July 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*